

REMARKS

Claims 1-7, 9-18, and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 5,757,571 to Basham et al. (hereinafter “Basham”) in view of United States Patent Application 2002/0151992 by Hoffberg et al. (hereinafter “Hoffberg”).

Applicants thank the Examiner for the telephone interview of December 12, 2006. During the interview, it was discussed that the claims previously did not clearly claim that the tape is marked as full such that no additional data may be stored when the user-defined capacity is substantially used to store data. Applicants agreed to amend the claims to clarify this limitation.

As a result of our discussion, Applicants have amended claims 1, 9, and 12 with the limitation of claims 2 and 13 that the user-defined capacity “...is substantially equivalent to the capacity of the first segment of the tape storage medium...” Claim 1 as amended. See also claims 9 and 12. The amendment is fully supported by the specification. Page 15, ¶ 61, lines 2-3.

Claims 1, 9 and 12 are also amended with the limitation that tape storage medium is identified as full “...such that no additional data may stored to the tape storage medium...” Claim 1 as amended. See also claims 9 and 12. The amendment is fully supported by the specification. Page 16, ¶ 64, lines 3-6. Claims 2, 3, 13, and 22 are canceled.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 1-7, 9-18, and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Basham in view of Hoffberg. Applicants respectfully traverse this rejection.

Claims 1, 9, and 12 as amended and claim 20 include the limitation "...identify a tape storage medium as full such that no additional data may stored to the tape storage medium when a substantial portion of the user-defined capacity of the tape storage medium has been used to store the data." Claim 1 as amended.

Basham does not teach identifying a tape storage medium as full when a substantial portion of the user-defined capacity is used. Hoffberg teaches identifying a partially filled tape. Hoffberg, Page 67, ¶ 1131, lines 11-13. However, Hoffberg does not teach identifying a tape storage medium as full when a substantial portion of the user-defined capacity is used. Applicants therefore submit that claims 1, 9, 12, and 20 cannot be unpatentable over Basham in view of Hoffberg and are allowable.

Applicants further submit that claims 4-7, 10, 11, 14-18, and 21 are allowable as depending from allowable claims. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

/Brian C. Kunzler/

Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: December 19, 2006
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 531-1929